



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

2008 DEC 23 PM 4:10

U.S. Patent No. **5,776,456**

Group Art Unit: 1644

Serial No.: **08/ 476,275**

Confirmation No.: 4717

Examiner: R.B. Schwadron

Filed: 7 June 1995

Applicant: Darrell R. ANDERSON *et al.*

For: Therapeutic Application of Chimeric and Radiolabeled Antibodies to Human B Lymphocyte Restricted Differentiation Antigen for Treatment of B Cell Lymphoma

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RECEIVED

JAN 05 2009

OFFICE OF PETITIONS

SUBMISSION UNDER 37 C.F.R. § 1.28(c)

Sir:

During the pendency of this application, applicant claimed status as a small entity under § 1.27. On information and belief following reasonable inquiry of the assignee, the undersigned states that such status was established, and fees to the Office were paid, in good faith.

On review of this file and related application files, it has been discovered that small entity status in this application may have been established or maintained in error. To moot any question as to the date from which large entity fees should have been paid, patentee has determined that it is prudent to tender payment of the deficiency as specified in § 1.28(c)(2) with respect to all fees paid during the pendency of this application. Accordingly, in compliance with the requirements of § 1.28, patentee now submits payment of the deficiency owed and requests that the Office excuse the error.

Our check for the total deficiency of **\$ 2,385** accompanies this paper. As required under § 1.28(c)(2)(ii), an itemization of the deficiency with respect to each fee that was paid is attached. If the Office determines that the calculation of the deficiency is in error, or if any other fee is required for entry, consideration, or acceptance of this paper, patentee requests that the Director debit the appropriate fee(s) from our **Deposit Account No. 18-1260**.

Respectfully submitted,

/David L. Fitzgerald/

David L. Fitzgerald, Reg. No. 47,347
Attorney for Biogen Idec Inc.

22 December 2008

SIDLEY AUSTIN LLP
1501 K Street, N.W.
Washington, DC 20005

tel. (202) 736-8818
fax (202) 736-8711

ITEMIZATION UNDER § 1.28(c)(2)(ii)

DATE	DESCRIPTION OF FEE	FEE PAID	FEE CODE ¹	CURRENT FEE ²	DEFICIENCY
95-07-06	Filing fee	365	1001	850	485
96-12-20	EOT 3 mos.	465	1253	1110	645
97-07-16	Notice of appeal	150	1401	540	390
97-11-06	Issue fee	645	1501	1510	865
97-11-06	Soft copies (11)	33	8001	33	0
TOTAL					\$ 2385

¹ Current large entity fee code.

² Current large entity fee (FY 2009 fee schedule, as revised 17 December 2008).